

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BENJAMIN SALOFI ASAELI,

Petitioner,

v.

RON FRAKER,

Respondent.

CASE NO. 12-5613 RJB/KLS

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DENYING APPLICATION TO
PROCEED IN FORMA PAUPERIS

This matter comes before the Court on the Report and Recommendation to Deny Petitioner's IFP Application. Dkt. 5. The Court has considered the relevant documents, including Petitioner's objections, and the remainder of the record herein.

On July 10, 2012, Petitioner filed an application to proceed in forma pauperis. Dkt. 1. The same day, he filed a proposed petition for writ of habeas corpus and paid the \$5.00 filing fee. On July 23, 2012, the Magistrate Judge Karen L. Strombom issued a Report and Recommendation, recommending that the Court deny the application to proceed in forma pauperis because Petitioner had paid the \$5.00 filing fee in this case. Dkt. 5.

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On August 16, 2012 , Petitioner filed objections to the Report and Recommendation. Dkt. 4. He contends that despite the fact that he paid the filing fee, he has very little in his account and so his application to proceed in forma pauperis should be granted. *Id.*

DISCUSSION AND CONCLUSION

The district court may permit indigent litigants to proceed in forma pauperis upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). However, the court has broad discretion in denying an application to proceed in forma pauperis. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), *cert. denied* 375 U.S. 845 (1963).

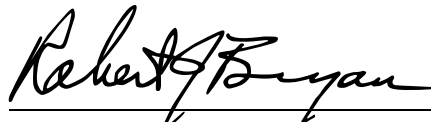
It appears that Petitioner had the cash to pay the filing fee and did so. Accordingly, the Court should adopt the Report and Recommendation and deny Petitioner's motion to proceed in forma pauperis.

Therefore, it is hereby **ORDERED** that:

- The Report and Recommendation to Deny Plaintiff's IFP Application (Dkt. 5) is **ADOPTED**;
- Plaintiff's application to Proceed In Forma Pauperis (Dkt. 1) is **DENIED**.

The Clerk is directed to send uncertified copies of this Order to U.S. Magistrate Judge Karen L. Strombom, all counsel of record, and to any party appearing *pro se* at said party's last known address.

Dated this 20th day of August, 2012.



ROBERT J. BRYAN
United States District Judge